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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,491	02/19/2002	Takeshi Konno	0505-0953P	2023

2292 7590 10/01/2003

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EXAMINER

TOATLEY, GREGORY J

ART UNIT	PAPER NUMBER
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2836

DATE MAILED: 10/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/076,491

Applicant(s)

KONNO, TAKESHI

Examiner

Gregory J. Toatley, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Specification

1. The examiner respectfully suggests that the Applicant carefully review the specification for idiomatic and grammatical errors, which may have inadvertently overlooked.

Claim Objections

2. Claim 5 is objected to because of the following informalities: "Infrared" should be – infrared--. Appropriate correction is required.

Art Rejection Rationale

At the outset, the examiner notes that claims are to be given their broadest reasonable interpretation during prosecution. In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989); In re Prater, 415 F.2d 1393, 1404, 162 USPQ 541, 550 (CCPA 1969); In re Yamamoto, 740 F.2d 1569, 222 USPQ 934 (Fed. Cir. 1984); Burlington Indus. V. Quigg, 822 F.2d 1581, 3 USPQ2d 1436 (Fed. Cir. 1987); In re Morris, 43 USPQ2d 1753, 1756 (Fed. Cir. 1997). In responding to this Office action, applicants are reminded of the requirements of 37 CFR §§ 1.111 and 1.119 that applicants specifically point out the specific distinctions believed to render the claims patentable over the references in presenting responsive arguments. See M.P.E.P. § 714.02. The support for any amendments made should also be specifically pointed out. See M.P.E.P. § 2163.06.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1– 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over the reference of Moczygembia et al. (US 5869908) in combination with the reference of Umeda et al. (JP 04-295777 A) and the admitted prior art.

The reference of Moczygembia et al. discloses an infrared locking mechanism for a vehicle with a portable infrared transmitter (1), an infrared receiver (11) capable of receiving an infrared signal emitted from said infrared transmitter, a lock actuator (14) capable of locking and unlocking a lock mechanism incorporated in a vehicle body (see at least col. 4, lines 32 – 41); and a control apparatus (8) for controlling operation of said lock actuator based on the infrared signal received by said infrared receiver, wherein said infrared receiver is provided on a switch case having a switch operation element manually operable by a passenger. It is silent regarding the switch case being provided on a steering bar handle of a vehicle. The Umeda et al. teaches of a switch case on a handle bar of a vehicle (see fig. 1, elements 2 and 3). It would have been obvious to one having ordinary skill in the art to locate the switch case of Moczygembia et al. onto a handle bar of a vehicle as suggest by the reference of Umeda et al. in order to provide a light vehicle (e.g. a scooter or motorcycle) with a infrared security device.

The reference of Moczygembia et al. discloses a control (14 or 13) separate (unitary from) a controller 8 as claimed in claim 2.

Regarding the specific locking devices claimed in claim 3, the applicant has admitted on page 1 that these types of device are known. It would have been obvious to one having ordinary skill in the art to include claimed locking mechanisms into the locking system of Moczygembia et al. in order to provide a way for the locks to have an automated locking system.

6. Claims 5 – 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the reference of Umeda et al. (JP 04-295777 A) in combination with the references of Nakao et al. (US 2001/0012709 A1) and Yoshida et al. (US 5124565 A).

The reference of Umeda et al. teaches of a portable infrared transmitter (8), an infrared receiver (9), and a controller (9) that disables an electronic device based upon the signal. It is silent regarding the use of the infrared device to lock or unlock a locking mechanism. The reference of Yoshida et al. teaches of such an infrared controlled locking device. It would have been obvious to one having ordinary skill in the art to incorporate the infrared locking device of the reference of Yoshida into the infrared controlled alarm device of the reference of Umeda et al. in order to provide a means to lock the lock mechanisms of the light vehicle (see claims 2, 3, 6 and 8; admitted to be known by the applicant on pg. 1, ¶ 3) to provide an additional measure of automated security for the vehicle. The references of Umeda et al. and Yoshida et al. are silent regarding the location of the receiver on a meter cover as claimed. The reference of Nakao et al. teaches of a control and display center located a handlebar cover with a plurality of indicators and control switches (pg. 2, ¶ 39). It would have been obvious to one having ordinary skill in the art to incorporate the infrared receivers of the references

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of Yoshida et al. and Umeda et al. into the control center of Nakao et al. in order to provide a means for the receiver to be centrally located on the light vehicle and to be in communication via the bus with various systems with in the light vehicle.

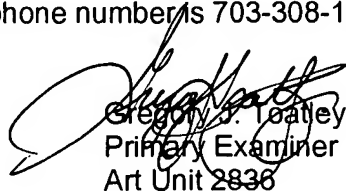
Regarding the specific location of the infrared receiver as claimed, it would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the receiver on the meter anywhere on the meter that had line of sight of the transmitter, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Regarding the meter having a cover that is transparent this is an inherent (and well known) element on a meter (speedometer, odometer, etc.).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Toatley, Jr. whose telephone number is 703-308-7889. The examiner can normally be reached on Mon. - Fri. 7:00 a.m. to 3 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (703) 308-3119. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.


Gregory J. Toatley, Jr.
Primary Examiner
Art Unit 2836

GJT Jr.